

REMARKS

The Examiner asserted that the amendment received by the Office on October 18, 2008 was non-compliant because the word “and” in claim 43 and the word “the” in claim 51 were struck through instead of being enclosed in double brackets. The Examiner stated that the strikethrough marks did not clearly indicate that the words had been deleted from the claims.

Applicant respectfully submits that 37 C.F.R. § 1.121(c)(2) states that strikethrough is mandatory, and the use of double brackets is allowed for five or less characters, or if the strikethrough cannot be easily perceived. MPEP § 714 C.(B) provides the examples of the number 4 and punctuation marks as instances when strikethrough would not be easily perceived. The Notice of Revised Amendment issued by the Office on June 30, 2003 included an example response to illustrate the correct practice now incorporated in § 1.112, which may be found at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf>. The example response shows the words “and” and “of” being struck through to indicate deletion. Therefore, Applicant’s strikethrough of the word “and” in claim 43 is in compliance with current amendment practice. Furthermore, Applicant respectfully submits that the strikethrough of the word “the” in claim 51 is no less easily perceived than the strikethrough of the word “of” in the Office’s example response.

Nonetheless, in the interest of advancing prosecution, Applicant has modified the amendments to claims 43 and 51 to use double brackets as requested by the Examiner.

Accordingly, Applicant respectfully submits the amendments to the claims are in compliance with current amendment practice.

SUMMARY

Claims 25, 27-35, 40-43, 45, 46, 48 and 51-55 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

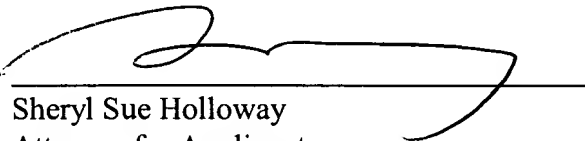
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
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Dated: Jan. 31, 2008



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